

REMARKS

In the present Amendment, independent claims 1 and 17 have been amended to incorporate the recitation of claim 6, and claim 6 has been canceled. In addition, claim 3 has been amended to correct the term “second particles” to “secondary particles”.

No new matter is added. Entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-5 and 7-21 will be pending. Entry of the Amendment “after final” is submitted to be proper because Applicants are merely combining claims.

In Paragraph No. 1 of the Action, claims 1-21 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ohya et al (US 6,890,070).

Applicants submit that this rejection should be withdrawn because Ohya et al ‘070 does not disclose or render obvious the ink-jet recording medium or image forming method of the present invention.

As noted above, independent claims 1 and 17 have been amended to incorporate the recitation of dependent claim 6, and claim 6 has been cancelled. Thus, the independent claims now recite that the content of the fine polymer particles in the ink receiving layer is 50% by mass or more of the solids content of the ink receiving layer. Ohya et al ‘070 does not disclose, teach, or suggest at least this element of the present invention.

While the amendment to Claims 1 and 17 is sufficient to distinguish Ohya et al ‘070 and overcome the rejection, Applicants further note with due respect that there are several questionable statements and assertions in the Examiner’s characterization of Ohya et al.

The Examiner states that the ink-receiving layer of Ohya et al. contains “at least fine polymer particles,” citing column 7, lines 10-35. This does not appear to be correct. Ohya et al. expressly state that where a porous type ink-absorbing layer is used, the fine particles employed in the layer “are preferably alumina or silica,” see Ohya et al. at column 7, lines 10-11, that is, inorganic fine particles. Further, Ohya et al. state that: “In the invention, it is specifically preferred to form pores by including various inorganic fine particles having a mean diameter of not more than 100 nanometers in a porous layer.” See column 7, lines 46-49.

Next, the Examiner asserts that the fine polymer particles “are vinyl type copolymer latexes,” citing column 8, lines 35-65. While Ohya et al. do employ a styrene-acryl type latex which contains fine polymer particles in certain examples, the cited description at column 8, lines 35-65 relates to water-soluble hydrophilic binders, and not to fine polymer particles.

The Examiner further states that Ohya et al. “disclose that the second particles of the fine polymer particles constitute the porous structure of the ink-receiving layer,” citing the “Examples” and column 21, lines 40-65. With due respect, Applicants do not agree. The cited description at column 21, lines 40-65 is within the description of “Recording Medium 2” of Ohya et al. In Recording Medium 2, it appears that fine particles of silica were used in combination with fine polymer particles from a styrene-acryl type latex. The solid ratio of silica/thermoplastic fine particles was 6/4. See column 21, lines 53-54. Therefore, it would appear that the porous structure of the ink-receiving layer would be due primarily to the silica particles, and not to the fine polymer particles.

Next, in relation to present claims 14 and 15, the Examiner states that Ohya et al. “also discloses that the ink-receiving layer further contains a crosslinking agent and a mordant,” citing

the “Examples.” With due respect, Applicants do not see a disclosure of a crosslinking agent or a mordant anywhere in the Examples of Ohya et al.

Next, the Examiner asserts that Ohya et al. “also disclose that the total volume of the pores in the ink-receiving layer is at least 80%,” and that “the maximum peak in the pore radius distribution of the ink-receiving layer is 2 to 20 nanometers.” Again, the Examiner broadly cites the “Examples.” Applicants do not see these disclosures in the Examples of Ohya et al.

The Examiner next asserts that Ohya et al. “also disclose that the fine polymer particle have an average diameter of 3.0 micrometer,” citing column 9, lines 55-67. The cited disclosure applies only to an alternative embodiment of Ohya et al. employing a polyurethane emulsion, which embodiment does not appear to be exemplified in Ohya et al.

Still further, the Examiner asserts that Ohya et al. disclose that the “mixing ratio of the fine polymer particle and binder is in the range of 2:1 to 20:1,” citing column 9, lines 30-35. Applicants respectfully submit that this does not appear to be correct. The cited description expressly states that “The ratio of inorganic fine particles to a water-soluble resin used in a color-receiving layer is generally from 2/1 to 20/1, and specifically preferably from 3/1 to 10/1.” “Polymer” fine particles are not mentioned; to the contrary, the reference is to “inorganic” fine particles.

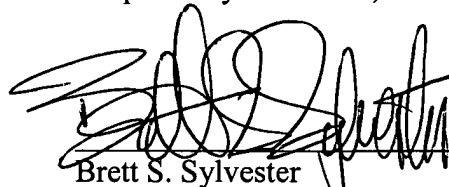
In view of the above, Applicants respectfully request reconsideration and withdrawal of the section 102(e) anticipation rejection of claims 1-21 based on Ohya et al ‘070.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
U.S. Appln. No. 10/662,482

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett S. Sylvester", is written over the printed name.

Brett S. Sylvester
Registration No. 32,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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